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HENRY D. COLEMAN, Ph.D.

R. NEIL SUDOL

WILLIAM J. SAPONE

OF COUNSEL

PAUL S. FEINMAN

KEVIN J. MCGOUGH

**JAN 21 2005**

714 COLORADO AVENUE  
BRIDGEPORT, CONNECTICUT 06605  
(203) 366-3560  
FACSIMILE (203) 335-6779 / 6899

434 Mamaroneck Avenue  
Mamaroneck, New York 06605

950 Third Avenue  
New York, New York 10027  
E-MAIL: COSUD@EROLS.COM

**TELECOPY TRANSMITTAL SHEET**No. of Pages Transmitted: Cover + 105

Dated: January 20, 2005

To: Name: Examiner San Ming Hui  
Company or Firm: Group Art Unit 1617 of PTO  
City/State/Country: Washington, D.C. 20231  
Telecopier No.: 1-703-872-9306

*Fax Report 571-273-8300  
1/21/05*

From: H. D. ColemanAttorney's Docket No.: P17-017

Message: Dear Examiner Hui:

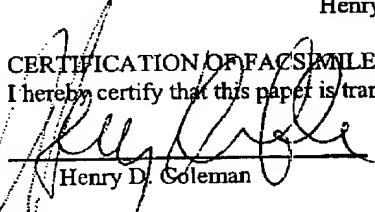
Enclosed please find a response to the office action after final, a notice of appeal, a one month extension of time, a declaration of Dr. John Vanden Heuvel, and seven (7) supporting references (Vanden Heuvel, Renaud, Hu, Ikemoto, Heine, Simopolous, Blankenhorn, Hodgson and related letters to the Editor for Hodgson) for filing in application serial number 09/555,987. If you have any question, please call me at (203) 366-3560.

Very truly yours,

Henry D. Coleman

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is transmitted to the Patent and Trademark Office on the date shown below.

  
Henry D. Coleman
January 20, 2005

Date

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*missing 25 pages  
(p. 81 - 105).  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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APPLICANT(S) : Vanden Heuvel, et al.  
SERIAL NO. : 09/555,987  
FILED : September 11, 2000  
FOR : Methods and Compositions for Treating Diabetes  
GROUP ART UNIT : 1617  
EXAMINER : Sang Ming Hui

Mail Stop After Final  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response in Application**

In response to the Examiner's office action of September 22, 2004, and in light of the Examiner's new rejection of the previously submitted claims and recitation of new art in positing that rejection, Applicants respectfully request the Examiner withdraw the finality of the office action and consider this response as a response to a non-final office action. Applicants present the following arguments along with the Declaration of inventor Dr. John Vanden Heuvel in support of the patentability of the previously submitted claims. No amendment has been made to the previously filed claims. Claims 1-15 and 22-24 continue to be pending in the present application. It is noted here that Applicants believe their claims to be patentable over the new combination of references cited by the Examiner in this application and wish to have the allowance of this application expedited.

Applicants assert that the Examiner's new rejection of the pending claims under 35 U.S.C. §103 should be withdrawn and that pending claims 1-15 and 22-24 are now in condition for allowance. Essentially, it is Applicants' position that when one dissects the Examiner's interpretation of the putative teachings of the cited art, and in particular, de Boer, and compares the Examiner's interpretation of those teachings, with the prior art teachings which relate to those same fatty acids as being inactive or deleterious in the treatment of diabetes, one is left with the unequivocal view that the present invention represents an unexpected result over the cited

**Amendment/Response****-1-****S.N. 09/555,987****P27-017.January2005responseafter final**